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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

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GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/821,066
Filing Date: March 29, 2001
Appellant(s): HO, KEITH KY TRIEU

Frank C Nicholas
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 12/9/2005 appealing from the Office action mailed on 8/5/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary includes explanation of the subject matter involved in independent claim 1 only. It does not include concise explanation of the subject matter defined in the independent claims 6 (a system claim) and 13 ("means for" claim). Therefore, brief is deficient.

The summary of claimed subject matter contained in the brief is deficient. 37 CFR 41.37(c)(1)(v) requires the summary of claimed subject matter to include: (1) a

concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters and (2) for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

Since the summary did not include explanation of the subject matter involved in the independent claims 6 (a system claim) and 13 ("means for" claim), it was decided in the appeal conference to write the examiner's answer directed to the arguments against claim 1 only.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US Publication 2002/0143669 A1 to Scheer; published on 10/3/2002, filed on 5/29/2001 and claiming priority to Provisional Application filed on 1/22/2001.

(9) Grounds of Rejection

The ground(s) for rejection are reproduced below from the Final Office Action, paper # 9, and are provided here for the convenience of both the Appellant and the Board of Patent Appeals:

Quote: “

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another tiled in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by
Scheer U.S. Patent **Application Publication** Number US 200210143669.

Referring to claim 1. Scheer discloses a method of grouping parts in inventory
(abstract), comprising:

- Defining a database (Figure 8, "Record Parameters in the Product Master Data Base") for indicating functional relationships between a plurality of parts (paragraph 0147 and paragraph 0171); and

- Searching the database (Figure 8, "Record Parameters in the Product Master Data Base") to identify one or more groups of functionally interchangeable parts (paragraph 0147 and paragraph 0171).

Referring to claim 2. Scheer further discloses a method wherein the step of searching includes:

- Repeatedly searching the database to produce a list of parts that can be used interchangeably (paragraph 0126).

Referring to claim 3-4. Scheer discloses a method of generating a list of interchangeable parts, comprising:

- Defining a first table identifying a plurality of parts (Figure 7 and paragraph 0174); Defining a second table, associated with the first table, indicating functional relationships between the parts (Figure 7 and paragraph 0174);
- Recursively searching the first and second tables to generate the list of interchangeable parts (Figure 7 and paragraph 0174); and
- Receiving a part identifier (paragraph 0233).

Referring to claim 5. Scheer further discloses a method wherein the step of recursively searching includes

- Applying the part identifier to the first table to retrieve a functional relationship from the second table, the functional relationship specifying an additional part identifier (Figure 7 and paragraph 0174); and
- Applying the additional part identifier to the first table to retrieve an additional functional relationship from the second table (Figure 7 and paragraph 0174). Referring to claims 6-9. Claims 6-9 are rejected under the same rationale as set forth above in claims 1-5.

Referring to claim 10. Scheer further discloses a parts inventory system comprising an input interface for receiving a part identifier (paragraph 0068).

Referring to claim 11. Scheer further discloses a parts inventory system comprising a network interface permitting remote users to generate a list of interchangeable parts (see paragraph 0068).

Referring to claim 12. Scheer further discloses a parts inventory system

comprising a remote workstation for communicating with the search engine over a communication network (paragraph 0068).

Referring to claims 13-14. Claims 13-14 are rejected under the same rationale as set forth above in claims 1-5.

Response to Arguments

Applicant's arguments filed January 27, 2004 have been fully considered but they are not persuasive.

The Attorney argues that Sheer does not disclose at least defining a database for indicating functional relationships between a plurality of parts; and searching the database to identify one or more groups of functionally interchangeable parts.

The Examiner notes, Sheer does disclose an intelligent order fulfillment planning process, wherein for each order the distributor has access to data relating to equivalent products. An equivalent product can be a product that has the same functions and features as a specified product. The equivalency of functions and features is determined as a function of product definitions provided by the distributor. This action of substitution utilizes the Intelligent Agent as shown in Figure 2. Also shown in Figure 2 is a linkage between the Intelligent Agent and the distributor whereby the Intelligent Agent can locate the product definitions. The product definitions is how the Agent identifies groups of functionally interchangeable parts, whereby these definitions are stored on the Distributor Collaboratory Server.

The Attorney argues that Sheer does not disclose defining a first table identifying a plurality of parts, defining a second table, associated with the first table, indicating functional relationships between the parts, and recursively searching the first and second tables to generate a list of interchangeable parts.

The Examiner notes, Sheer does disclose a system that is implemented using a high degree of table-driven and parameter driven software engineering techniques (Sheer: paragraph 0174)."

Unquote:

(10) Response to Arguments:

The applicant argues (see AB, page 12, lines 1-14) against claim 1, that the reference Scheer does not disclose, " defining a database for indicating functional

relationships between a plurality of parts; and searching the database to identify one or more groups of functionally interchangeable parts” . The examiner respectfully disagrees. Scheer does disclose an intelligent order fulfillment planning process, wherein for each order the distributor has access to data relating to equivalent products stored in the ontology database “92” and searches this database to identify one or more groups of equivalent products which are functionally interchangeable with the ordered part(see paragraphs 0147-0148 and paragraph 0171) . The equivalency of functions and features is determined as a function of product definitions provided by the distributor. This action of substitution utilizes the Intelligent Agent as shown in Figure 2. Also shown in Figure 2 is a linkage between the Intelligent Agent and the distributor whereby the Intelligent Agent can locate the product definitions. The product definitions is how the Agent Identifies groups of functionally interchangeable parts, whereby these definitions are stored on the Distributor Collaboratory Server.

The applicant further argues (see AB, page 12, lines 15-18) concerning claim 3, that Scheer does not disclose “defining a first table identifying a plurality of parts, defining a second table, associated with the first table, indicating functional relationships between the parts, and recursively searching the first and second tables to generate a list of interchangeable parts” . The Examiner disagrees because, Scheer does disclose a system that is implemented using a high degree of table-driven and parameter driven software engineering techniques (Scheer: paragraphs 0135 and 0174). Scheer discloses a plurality of tiers from where the required line items, as per the custom’s

order/requirement, are selected using several iterations including iterations for searching substitutes, that is a functionally interchangeable items and the search and selection of such items are facilitated by the table driven and parameter, that is functional relationship, driven software techniques used in storing data for the tiers (see paragraphs 0134-0135 and 0171-0174).

In view of the foregoing, the rejections of claims 1-16 (Note: Since the applicant has neither provided a concise explanation of the subject matter supporting claims 6 and 13 nor filed separately arguments for these claims or any other dependent claims) as submitted in the Final office action is sustainable.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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